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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MARIA MORALES,

10 Plaintiff,

11 vs.

12 OFFICER SONYA FRY,

13 Defendant.

No. C12-2235-RSL

STIPULATED MOTION AND AGREED IN
LIMINE ORDER

Noting date: June 15, 2018

14 Based on the following stipulation, the parties move the Court to enter the agreed in limine
15 order below

16 **STIPULATION**

17 The parties have met and conferred to resolve disputes regarding their motions in limine as
18 the local rules require. LCR 7(d)(4). Along with their disputed motions in limine, which they will file
19 on June 15, the parties have agreed that the Court should enter the following order to enforce their
20 agreements resolving certain motions in limine.

1 SO STIPULATED.

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10 Attorneys for Plaintiff Maria Morales

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11 **ORDER**

12 Based on the stipulation above, the Court GRANTS the parties' stipulated motion, and orders as
13 follows as to matters taking place in the presence of the jury in the trial of this action. Counsel are
14 responsible for ensuring that non-adverse witnesses that they call are informed of these orders to ensure
15 that they do not violate them.

- 16 1) Non-party witnesses shall not be present in the courtroom during proceedings in this case
17 until they have been called to the stand and the Court has excused them from further
18 testimony. Fed. R. Evid. 615.
- 19 2) Neither counsel nor any witness may comment on the tax consequences arising from any
20 award of damages to Plaintiff.
- 21 3) Neither counsel nor any witness may state or argue that Officer Fry or another payor
22 would or would not pay any judgment against her.
- 23

- 1 4) Neither counsel nor witnesses may state or argue that the City of Seattle is insured or not
2 insured, discuss the financial condition of the City of Seattle, or discuss the source of any
3 payment the City of Seattle might make to satisfy a judgment in this matter.
- 4 5) Except for documents used solely for impeachment, counsel shall first seek leave of
5 Court before offering in front of the jury or referring in front of the jury to any
6 document (including electronic media) that has not been previously produced in this
7 action or identified in the parties' joint pretrial order. The Court will grant leave only
8 on a showing of good cause.
- 9 6) Counsel shall first seek leave of Court before calling any witness not listed in the
10 parties' joint pretrial order. The Court will grant leave only on a showing of good cause.
- 11 7) Neither counsel nor any witness shall inform the jury of the parties' motions in limine,
12 agreed or disputed, or any Court ruling on those motions, except as necessary to enforce
13 the Court's rulings. Counsel may state "objection, in limine ruling" to raise an objection
14 to proffered evidence or testimony based on the Court's rulings on the parties agreed
15 or disputed motions in limine. No party shall argue to the jury that the opposing party
16 acted improperly by seeking to exclude or limit testimony or other evidence.
- 17 8) Counsel and witnesses will not argue or testify regarding when Plaintiff engaged her
18 current counsel without first seeking leave of Court.
- 19 9) Counsel shall not offer evidence about any witness's "reputation for having a character
20 for truthfulness or untruthfulness" except as permitted by Federal Rule of Evidence
21 608(a).
- 22 10) Neither counsel nor witnesses may discuss the investigation of the Seattle Office of
23 Professional Accountability ("OPA") into Officer Fry's arrest of Ms. Morales or any

1 other officer's conduct on May 1, 2012. To the extent counsel wishes to impeach a
2 witness who OPA interviewed with the transcript of that interview, counsel shall refer
3 only to a "prior police department interview," and shall rely on the transcripts that the
4 City produced in this litigation.

5 11) No party shall offer testimony, evidence, or argument revealing that this case was
6 previously tried, that it was appealed, that this is the second trial, or that there were
7 previously other defendants or claims. Parties may use testimony from the first trial for
8 impeachment but may refer to the source of that testimony only as a "proceeding." For
9 example, counsel might begin a line of impeachment questioning with the following
10 question: "Do you recall testifying under oath at a proceeding in April 2014?"

11 12) Counsel shall not show to the jury documents (including but not limited to pleadings,
12 motions, and declarations) that suggest that there are other Defendants or other claims
13 in this action.

14 13) For any non-party witness called in Plaintiff's case-in-chief, Defendant may conduct
15 any direct examination of the witness along with cross-examination, so that witnesses
16 need not testify twice.

17 14) Neither witnesses nor counsel shall refer to the ongoing consent decree between the
18 federal government and the City of Seattle proving federal oversight of certain policies
19 and practices of the Seattle Police Department. *See United States v. City of Seattle*, No.
20 C12-1282JLR (W.D. Wash.).

21 15) Neither witnesses nor counsel may offer evidence or argument that Officer Brian Rees
22 discharged pepper spray as he came to assist Officer Fry as she arrested Ms. Morales.

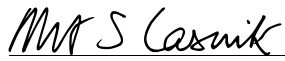
23 16) Neither witnesses nor counsel may offer evidence or argument evidence that the

1 Department changed policy and/or training regarding demonstration management or
2 demonstration arrest procedures. This includes any changes in training, policy, or
3 internal investigation or measures taken by the Department after the incident, as such
4 evidence is irrelevant and prejudicial.

5 17) Counsel shall be prohibited from discussing any particular damage amounts during
6 *voir dire*.

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8 IT IS SO ORDERED.

9 Dated this 19th day of June, 2018.

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11 The Honorable Robert S. Lasnik
12 United States District Court Judge
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